

A circular black and white stamp. The text "O.I.P.E." is at the top, "JCSA" is at the top right, and "PATENT &amp; TRADEMARK OFFICE" is at the bottom. The date "FEB 05 2002" is in the center.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 6794S-000005/US/COA)

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OFFICE OF PETITIONS

Sir:

DECLARATION IN SUPPORT OF  
PETITION UNDER 37 C.F.R. 1.47(a)

1. I, STEVEN J. SARUSSI, of 122 South Kaspar Avenue,  
Arlington Heights, Illinois 60005, U.S.A., declare as follows:

2. This is a declaration in support of a petition under 37 C.F.R. §1.47(a) and sets forth facts relating to the refusal of named inventor Subhash Desai, Ph.D. to execute a Declaration/Power of Attorney for the above-identified patent application ("the Application").

3. It is my understanding that the Application was filed in the U.S. Patent and Trademark Office on June 5, 2001, and assigned Serial No. 09/874,504. The Application named, among other individuals, Subhash Desai, Ph.D., as an inventor.

4. Dr. Desai resides at 1011 Greenwood Avenue, Wilmette, Illinois, 60091. He is employed at Baxter Healthcare Corporation, Route 120 & Wilson Road, Round Lake, Illinois, 60073.

5. On August 13, 2001, David B. Fournier, a patent scientist at Pharmacia Corporation, provided Dr. Desai a copy of the Application together with a Declaration/Power of Attorney for the Application and a letter requesting that Dr. Desai execute the Declaration. Dr. Desai acknowledged receipt of the letter, Application, and Declaration/Power in a letter to Mr. Fournier dated August 29, 2001.

6. On September 4, 2001, Dr. Desai wrote a letter to Karen King, a patent attorney in Pharmacia's Corporate Patent Department, and indicated that he had questions concerning the naming of certain individuals as inventors in the application. Ms. King asked that I handle this matter with Dr. Desai. After

discussing the matter with Dr. James Forbes, a patent attorney at Pharmacia, I provided oral answers to Dr. Desai's questions.

7. Over the next few months, Dr. Desai and I communicated orally many times and during at least a few of those conversations I reminded Dr. Desai of the answers I had previously given to him concerning his inventorship questions.

8. On January 31, 2002, Dr. Desai wrote me asking for a written explanation concerning the naming of inventors on the subject Application.

9. I sent Dr. Desai a letter on February 1, 2002, providing written answers to his inventorship questions.

10. I discussed this matter this morning, Monday, February 4, 2002, with Dr. Desai at length. While Dr. Desai understands the explanation concerning inventorship, he does not believe Fred Hassan and James C. Forbes should be named as inventors. At the end of our conversation, he told me he would not sign the Declaration/Power of Attorney for the Application unless Fred Hassan and James C. Forbes were removed from the application as inventors. After informing Dr. Desai that the list of inventors for the Application would not be modified, Dr. Desai

stated that he would not sign the Declaration/Power of Attorney for the Application. Dr. Desai continues to refuse to execute the Declaration/Power of Attorney for the Application.

11. I hereby declare further that all statements made herein by my own knowledge are true and that all statements made on information and belief are believed to be true and further that I make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application and of any patent issuing thereon.

February 4, 2002  
Date

  
Steven J. Sarussi